

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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J.H. SHIPPING CO. LTD.,

Plaintiff,

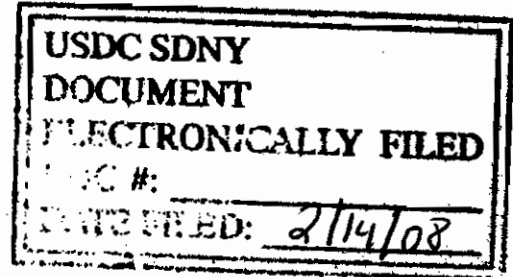
- against -

VICTORY SHIPPING SDN BHD and
EMERALD INTERNATIONAL MARITIME SA
a/k/a EMERALD INTL M S A,

Defendants.
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08 Civ. 229 (DC)

ECF CASE



TURN OVER ORDER IN RESPECT OF ATTACHED PROPERTY

Whereas the Plaintiff, J.H. Shipping Co. Ltd. ("J.H. Shipping"), and the Defendant, Victory Shipping SDN BHD ("Victory"), have agreed to settle their dispute in the instant matter;

Whereas J.H. Shipping and Victory have entered into a settlement agreement that provides Victory shall pay to J.H. Shipping the sum of \$800,000.00; and

Whereas Defendant Emerald International Maritime ("Emerald") has consented and endorsed the terms of the settlement agreement and instructed that the settlement shall be partially funded from the funds attached pursuant to the Ex-Parte Order(s) issued in this matter;

Whereas pursuant to Supplemental Admiralty Rule B of the Federal Rules of Civil Procedure, on or about January 15, 2008 J.H. Shipping obtained from the Court an Ex-Parte Order of Maritime Attachment together with Process of Maritime Attachment and Garnishment that authorized the attachment of Defendants' property with the Southern District of New York in an amount up to \$2,191,459.73; and

Where on UBS, acting pursuant to the Ex-Parte Order of Maritime Attachment and Garnishment, restrained and attached Defendants' property in the approximate amounts of \$104,000.00 and \$211,000.00; and

Whereas J.H. Shipping, Victory and Emerald have agreed that the settlement to J.H. Shipping should be partially funded from the \$315,000.00 that is currently under attachment in New York;

Whereas J.H. Shipping, Victory and Emerald have agreed that all of Defendants' funds attached in New York pursuant to the Ex-Parte Order(s) issued herein in the approximate amount of \$315,000.00 should be wired via electronic funds transfer by UBS or any other body, institution and/or bank holding those funds to the following bank account:

NAME OF ACCOUNT: LENNON, MURPHY & LENNON, LLC
ACCOUNT #: 74 3996811
ABA #: 021000021
BANK NAME: JP MORGAN CHASE
292 PEQUOT AVE.
SOUTHPORT, CT

and;

Whereas, the parties have agreed that after the wire of \$315,000.00 has been received into the designated account, J.H. Shipping's New York counsel, Lennon, Murphy & Lennon, LLC, shall file a notice of dismissal in the instant action;

IT IS HEREBY ORDERED that garnishee UBS and/or any other body, institution and/or bank holding the attached funds shall effect an electronic funds transfer in favor of J.H. Shipping in the approximate amount of \$315,000.00 which amount shall be deducted from the Defendants' property that is currently under attachment pursuant to the Ex-Parte Order(s) issued herein, and that garnishee UBS and/or any other body, institution and/or bank holding the attached funds shall pay this amount to the following account:

NAME OF ACCOUNT: LENNON, MURPHY & LENNON, LLC
ACCOUNT #: 74 3996811
ABA #: 021000021

**BANK NAME: JP MORGAN CHASE
292 PEQUOT AVE.
SOUTHPORT, CT**

and that any bank fees associated with the transferring of settlement funds to the J.H. Shipping's specified account shall not be deducted from the transferred funds; and

IT IS FURTHER HEREBY ORDERED that the settlement payment in the approximate amount of \$315,000.00 from Defendants shall not be subject to any attachment in New York after those funds are released by garnishee UBS and/or any other body, institution or bank holding the attached funds; and

IT IS FURTHER ORDERED that once the wire in the amount of \$315,000.00 has been received into the designated account, J.H. Shipping's New York counsel, Lennon, Murphy & Lennon, LLC, shall file a notice of dismissal in the instant action.

Dated: February 14, 2008
New York, NY

SO ORDERED:



U.S.D.J.